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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/734,348

Filing Date: 12/12/2003

Applicant(s): Mustansir M. Banatwala, Miguel A. Estrada, Joseph A. Russo,
Sami M. Shalabi

Entitled: METHOD AND SYSTEM FOR NAMED COLLABORATIVE
SPACES IN A COLLABORATIVE COMPUTING
ENVIRONMENT

Examiner: Divecha, Kamal B.

Group Art Unit: 2151

Attorney Docket No.: LOT920030071US1 (7321-25U)

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed January 22, 2008. As this Appeal Brief has been timely filed within the two-month shortened statutory period, no extension of time under 37 C.F.R. § 1.136 is required. Notwithstanding, please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account **12-2158**, and please credit any excess fees to such deposit account.

Date: March 24, 2008

Respectfully submitted,

/Steven M. Greenberg/

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APPEAL BRIEF

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Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed January 22, 2008, wherein Appellants appeal from the Examiner's rejection of claims 1 through 3, 5 through 10 and 12 through 17 and 19.

I. REAL PARTY IN INTEREST

This application is assigned to International Business Machines Corporation by assignment recorded on December 12, 2003, at Reel 014802, Frame 0546.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1 through 3, 5 through 10 and 12 through 17 and 1 are pending in this Application and have been twice rejected. It is from the multiple rejections of claims 1 through 3, 5 through 10 and 12 through 17 and 19 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims were amended first in the Amendment of February 9, 2006 and subsequently in an Amendment dated February 15, 2007 in response to the imposition of the Final Office Action dated November 15, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 8 and 15 are respectively directed to a method, computer program product and system for the establishment of a named collaborative space (referred to herein as "NCS") in a collaborative computing environment. As claimed, the Appellants' invention provides a templatable and provisionable approach to facilitate the deployment of collaborative computing environments and places. Templatable refers to the ability of a collaborative computing community developer or user to create a named collaborative space which can serve as a model for other named spaces. Provisionable refers to the ability of a collaborative computing community developer or user to base a named collaborative space on a previous named space in a manner which may require little or no customization. In this way, deploying

subsequent named spaces using the Appellant's invention involves merely calling up an existing template and arranging it to fit the needs of the community.

With specific reference to Claim 1, a collaborative computing method for the establishment of a named collaborative space includes providing a templatable and provisionable named collaborative space to serve as a basis for establishing instances of named collaborative spaces. (Par. [0037]) Specifically, the templatable and provisionable named collaborative space defines a work place within the collaborative computing environment and is configured to manage multiple business process components disposed within an instance of the named space in a one-to-many relationship. (Par. [0020]) The method also includes provisioning an instance of the templatable and provisionable named collaborative space and identifying a membership set for the named collaborative space in that the membership set includes one or more members. (Par. [0021]) Yet further, the includes providing multiple business process component instances for management within the provisioned instance of the named collaborative space. (Par. [0022]) Finally, the method includes managing a common lifecycle for each of the provisioned instance of the named collaborative space and the business process components within the provisioned instance of the named collaborative space. (Par. [0022])

With specific reference to Claim 8, a computer-readable storage medium storing a computer program which when executed performs a method for establishing a collaborative computing named collaborative space includes a method including providing a templatable and provisionable named collaborative space to serve as a basis for establishing instances of named collaborative spaces. (Par. [0037]) Specifically, the templatable and provisionable named

collaborative space defines a work place within the collaborative computing environment and is configured to manage multiple business process components disposed within an instance of the named space in a one-to-many relationship. (Par. [0020]) The method also includes provisioning an instance of the templatable and provisionable named collaborative space and identifying a membership set for the named collaborative space in that the membership set includes one or more members. (Par. [0021]) Yet further, the includes providing multiple business process component instances for management within the provisioned instance of the named collaborative space. (Par. [0022]) Finally, the method includes managing a common lifecycle for each of the provisioned instance of the named collaborative space and the business process components within the provisioned instance of the named collaborative space. (Par. [0022])

With specific reference to claim 15, a system providing a named collaborative space in a collaborative computing environment includes a computer having a database. (Par. [0038]) The database stores a membership set for a templatable and provisionable named collaborative space serving as a basis for the establishment of provisioned instances of the templatable and provisionable named collaborative spaces. (Par. [0020]) The membership set identifying one or more members. (Par. [0021]) The database also stores data corresponding to a provisioned instance of the templatable and provisionable named collaborative space defining a place within the collaborative computing environment. (Par. [0022]) Finally, a central processing unit functions to provide business process component instances accessible within the provisioned instance of the templatable and provisionable named collaborative space in a one-to-many

relationship, wherein the central processing unit is in operative communication with the database. (Par. [0035])

VI. ISSUES TO BE REVIEWED ON APPEAL

1. Claims 1 through 3, 5 through 10 and 12 through 17 are not anticipated under 35 U.S.C. § 102(e) by United States Patent Application Publication 2004/0107249 A1 by Moser.

VII. THE ARGUMENT

THE EXAMINER'S PROVISIONAL REJECTIONS OF CLAIMS 1 THROUGH 3, 5 THROUGH 10 AND 12 THROUGH 17 UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS TYPE DOUBLE PATENTING BASED UPON U.S. PATENT APPLICATION S/N 10/744,302 IN VIEW OF U.S. PATENT NO. 6,996,780 TO ESTRADA, AND ALSO BASED UPON ESTRADA IN VIEW OF U.S. PATENT APPLICATION PUBLICATION NO. 2004/0107249 BY MOSER ET AL.

Of import, Examiner has rejected Claims 1 through 3, 5 through 10 and 12 through 17 on grounds of non-statutory obviousness type double patenting only on a provisional basis. Accordingly, at present, Examiner's rejections do not prevent Examiner from providing an indication of allowance in the absence of the rejections on the art. Accordingly, no further discussion need be provided by Appellants at this time.

THE REJECTION OF CLAIMS 1 THROUGH 3, 5 THROUGH 10 AND 12 THROUGH 17 UNDER
35 U.S.C. § 102(E) BY UNITED STATES PATENT APPLICATION PUBLICATION 2004/0107249 BY
MOSER ET AL.

For convenience of the Honorable Board in addressing the rejections, claims 2, 3, 5, 6 and 7 stand or fall together with independent claim 1, claims 9, 10, 12, 13 and 14 stand or fall together with independent claim 8, and claims 16, 17 and 19 stand or fall together with independent claim 15.

Claim 1 (and claim 8 by extension) relates to a collaborative computing method and is recited in its entirety herein as follows:

1. A collaborative computing method for the establishment of a named collaborative space, the method comprising:
 - providing a templatable and provisionable named collaborative space to serve as a basis for establishing instances of named collaborative spaces, the templatable and provisionable named collaborative space defining a work place within the collaborative computing environment and configured to manage a plurality of business process components disposed within an instance of the named space in a one-to-many relationship;
 - provisioning an instance of the templatable and provisionable named collaborative space;
 - identifying a membership set for the named collaborative space, the membership set including one or more members;
 - providing a plurality of business process component instances for management within the provisioned instance of the named collaborative space; and,
 - managing a common lifecycle for each of the provisioned instance of the named collaborative space and the business process components within the provisioned instance of the named collaborative space.**

Integral to claim 1 is the management of a common lifecycle for each provisioned instance of a named collaborative space and the business process components within the provisioned instance of the named collaborative space. This important aspect of claim 1 cannot be found in Moser.

On page 8 of the Final Office Action dated October 19, 2007, Examiner rejected claim 1 and stated as follows:

- As per claim 1, Moser explicitly discloses a collaborative computing method for the establishment of a named collaborative space (pg. 1 [0004-0008]), the method comprising:
- providing a templatable (based on template) and provisionable (customizable) named collaborative space to server as a basis for establishment instances of named collaborative spaces,

the templatable and provisionable named collaborative space defining work place within the collaborative computing environment and configured to manage a plurality of business process components disposed within an instance of the named space in a one-to-many relationship (pg. 2 [0017], [0021], pg. 3 [0030], [0031], pg. 4 [0035], [0040], [0042], pg. 5 [0053], pg. 6 [0054], fig. 1-6);

provisioning an instance of the templatable and provisionable named collaborative space (fig. 3-6, pg. 5 [0053], pg. 6 [0054]:

deploying a collaboration area using a template);

identifying a membership set for the named collaborative space, the membership set including one or more members (fig. 3 item #106, 110, pg. 4 [0040-0043], fig. 4);

providing a plurality of business component instances for management within the provisioned instance of the named collaborative space (fig. 4, pg. 2 [0021], pg. 3 [0027]:

providing tools such as news, search engines, schedulers, etc.); and,

managing a common lifecycle for each of the provisioned instance of the named collaborative space and the business process components (such as stock tickers, search engines, discussion forums, meeting schedulers, news headlines, etc.) within the provisioned instance of the named collaborative space (fig. 1, fig. 4, pg. 3 [0027-0029], pg. 4 [0039-0040]: instantiates a business process component such as discussion forum, meeting scheduler and news headlines when instantiating a collaboration area or room, fig. 3, fig. 6: example of a collaboration area created using a template).

Thus, Examiner argues that Moser indeed teaches the management of a common lifecycle for each provisioned instance of a named collaborative space and the business process components within the provisioned instance of the named collaborative space. In support, Examiner refers to Figures 1 and 4 of Moser and paragraphs [0027] through [0029] and [0039] through [0040] of Moser.

Notwithstanding, Figures 1 and 4 of Moser and paragraphs [0027] through [0029] and [0039] through [0040] of Moser do not teach "managing a common lifecycle for each of the provisioned instance of the named collaborative space and the business process components within the provisioned instance of the named collaborative space". For the benefit of the Honorable Board, paragraphs [0027] through [0029] which correspond to Figure 1 are reproduced herein as follows:

[0027] In addition, the user may be provided with a calendar view 44 to establish and maintain appointments. Calendar view 44 may present data from a standard scheduling application (e.g., Microsoft Outlook) in a form that fits into display 24. Calendar view 44 may be repeated from other areas of the portal, so that the user is presented with a single interface for scheduling operations.

[0028] Message view 46 may show the user's e-mail in-box or other appropriate messaging window, and travel window 48 may show the status of various travel arrangements for the user. These views are merely illustrative, and various other views could be provided in addition to or instead, to display other sorts of information relevant to the user. In addition, the views may be updated in real-time or near real-time, such as by pushing changes to the display, so that the user is kept up-to-date. Also, the user may be able to move, resize, delete, and insert windows so as to create a customized portal.

[0029] In addition to providing users with access to data, system 10 may also present information in a manner that allows for collaboration among users of system 10. For example, conference view 40 may provide a running chat window or the video portion of a live teleconference. Likewise, presentation view 42 may show a document or other object that is the subject of an ongoing collaboration session, such as a WebEx meeting. Other views may be provided so as to form a collaboration area, or collaboration room. For example, one page may be configured to display a CAD drawing of a product that is being co-developed with a number of consultants. Views may be provided so that each consultant may visit the collaboration room at his or her convenience, may leave comments and annotations on the drawing, and may respond to other comments from other participants who have access to the collaboration room.

A review of paragraphs [0027] through [0029] reveal a teaching directed to a portal in which different "views" such as a calendar view and a message view can be provided.

For the benefit of the Honorable Board, paragraphs [0039] through [0040] are reproduced herein as follows:

[0039] In this manner, basic building blocks for a portal, such as pages, views, and worksets, may be used to define a template for a collaboration area. An area may be created by copying these elements and giving the area its individual form by writing specific values to the various parameters for the area. The process may be performed in a manner that is similar for other processes that provide custom instantiations of a generic concept (such as local weather views or personalized news views). The values for instantiating the views may be those provided by the user when creating the room, or can be generated based upon the input provided by the user. In addition, roles can be identified with respect to the area, and participants in the area may be assigned roles so as to control their access in the various parts of the area. An enterprise thus may focus its attention a single time on creating a template for an area, and subsequent creation of areas from that template may be much easier. In addition, third-parties may also provide ready-made templates. As such, a collaboration area may be created as an integral part of a portal application.

[0040] FIG. 3 is a flowchart that shows a process for using a template to set up a collaboration area. At step 100, the system receives a request from a user to provide a template. The system may initially provide the user with a list of available templates, and the user may then select one template from the list. Each template is associated with a number of preset underlying roles, work sets, views, and processes for a general application. For example, a product development template may be configured to have participants in the roles that correspond to a lead engineer, design engineer, patent attorney, and technical marketer. Each of the roles may also have default permissions for the collaboration area. For example, the technical marketer may have the ability to comment on a design, but may be denied the ability to change it. The person who creates a particular area may select from a number of available participants that are identified as being available for each role when setting up a collaboration area for a project. In a like manner, the person may customize or alter other default settings that are associated with the template.

Thus, a review of paragraphs [0039] and [0040] reveal a teaching directed to the definition of a template for a portal in which roles, worksets and views and processes for a general application are defined.

A teaching directed to the management of "a common lifecycle for each provisioned instance of the named collaborative space and the business process components within the provisioned instance of the named collaborative space" however cannot be found within the cited portions of Moser. A bare teaching to a templatable portal does not translate to the management of a common lifecycle for each provisioned instance of a named collaborative space and the business process components within the provisioned instance of the named collaborative space. In order to maintain a prime facie case of anticipation, as set forth in M.P.E.P. 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In the case of claim 1, Examiner has ignored the words "common lifecycle" and "each" and has failed to point out with particularity where in Moser such words can be found.

Claim 15 provides in its entirety with emphasis added,

15. A system providing a named collaborative space in a collaborative computing environment, the system comprising a computer having:
a database, the database storing:
a membership set for a templatable and provisionable named collaborative space serving as a basis for the establishment of provisioned instances of the templatable and provisionable named collaborative spaces, the membership set identifying one or more members; and
data corresponding to a provisioned instance of the templatable and provisionable named collaborative space defining a place within the collaborative computing environment; and
a central processing unit functioning to provide plurality of business process component instances accessible within the provisioned instance of the templatable and provisionable named collaborative space **in a one-to-many relationship**, the central processing unit in operative communication with the database.

Thus, integral to claim 15 is the "one to many relationship" of the business process component instances accessible within the provisioned instance of the templatable and provisionable named collaborative space.

The Examiner states on page 10 of the Final Office Action dated October 19, 2007, "As per claims 8-10, 12-17 and 19, they do not teach or further define over the limitations

in claims 1-3,5-7. Therefore claims 8-10, 12-17 and 19 are rejected for the same reasons as set forth in claims 1-3, 5-7." Consequently, Examiner provides no further support for rejecting claim 15 than that set forth in rejecting claim 1--namely paragraphs [0017], [0021], [0030], [0031], [0035], [0040], [0042], [0053], and [0054] and Figures 1 through 6. Regrettably, Examiner has chosen to shirk the responsibility set forth in 37 C.F.R. 1.104(c)(2) which states, "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." Instead, Examiner has cited nine (9) paragraphs of Moser and six (6) Figures without attempting any mapping of the words of the limitations of claims 1, 8 and 15 to any of these 9 paragraphs and 6 Figures rendering any possibility of efficiency of examination impossible.

Even still, as best Appellants can reconcile paragraphs [0017], [0021], [0030], [0031], [0035], [0040], [0042], [0053], and [0054] and Figures 1 through 6 teach that a portal and its internal views can be accessed by many different users thus giving rise to Examiner's argument of "one-to-many". Nevertheless, the plain claim language of claim 15 requires that the "business process component instances" be "accessible within the provisioned instance of the templatable and provisionable named collaborative space in a one-to-many relationship". That the components must be accessible within the provisioned instance in a one-to-many relationship is not shown by paragraphs [0017], [0021], [0030], [0031], [0035], [0040], [0042], [0053], and [0054] and Figures 1 through 6 of Moser which shows only that views can be accessed by many users outside of the portal. Thus, Examiner once again has failed to meet a prima facie case of anticipation under M.P.E.P. 2131 because Examiner has failed to consider the words "accessible within the provisioned instance".

In view of the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. § 102(e) based upon the applied prior art are not viable. Appellants, therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 102(e).

Date: March 24, 2008

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. (Previously Amended) A collaborative computing method for the establishment of a named collaborative space, the method comprising:

providing a templatable and provisionable named collaborative space to serve as a basis for establishing instances of named collaborative spaces, the templatable and provisionable named collaborative space defining a work place within the collaborative computing environment and configured to manage a plurality of business process components disposed within an instance of the named space in a one-to-many relationship;

provisioning an instance of the templatable and provisionable named collaborative space;

identifying a membership set for the named collaborative space, the membership set including one or more members;

providing a plurality of business process component instances for management within the provisioned instance of the named collaborative space; and,

managing a common lifecycle for each of the provisioned instance of the named collaborative space and the business process components within the provisioned instance of the named collaborative space.

2. (Previously Amended) The method of Claim 1, wherein the business process component instances are business instance portlets.

3. (Original) The method of Claim 1, wherein the members of membership set for the collaborative space are assigned a role, the role defining access and permission privileges to the at least one business process.

4. Canceled.

5. (Previously Amended) The method of Claim 1, wherein the provisioned instance of the templatable and provisionable named collaborative space is provisionable from other provisioned instances of named collaborative spaces.

6. (Original) The method of Claim 2, further comprising transferring information between the business component instance and the named collaborative space, the information being transferred using an enterprise java bean.

7. (Original) The method according to Claim 1, further including assigning a policy to the named space.

8. (Previously Amended) A computer-readable storage medium storing a computer program which when executed performs a method for establishing a collaborative computing named collaborative space, the method comprising:

providing a templatable and provisionable named collaborative space to serve as a basis for establishing instances of named collaborative spaces, the templatable and provisionable named collaborative space defining a work place within the collaborative computing environment and configured to manage a plurality of business process components disposed within an instance of the named space in a one-to-many relationship;

provisioning an instance of the templatable and provisionable named collaborative space;

identifying a membership set for the named collaborative space, the membership set including one or more members;

providing a plurality of business process component instances for management within the provisioned instance of the named collaborative space; and,

managing a common lifecycle for each of the provisioned instance of the named collaborative space and the business process components within the provisioned instance of the named collaborative space.

9. (Previously Amended) The computer-readable storage medium of Claim 8, wherein the business process component instances are business instance portlets.

10. (Original) The computer-readable storage medium of Claim 8, wherein the members of membership set for the collaborative space are assigned a role, the role defining access and permission privileges to the at least one business process.

11. Canceled.

12. (Previously Amended) The computer-readable storage medium of Claim 8, wherein the provisioned instance of the templatable and provisionable named collaborative space is provisionable from other provisioned instances of named collaborative spaces.

13. (Original) The computer-readable storage medium of Claim 9, wherein the method performed by the stored computer program when executed further includes transferring

information between the business component instance and the named collaborative space, the information being transferred using an enterprise java bean.

14. (Original) The computer-readable storage medium of Claim 8, wherein the method performed by the stored computer program when executed further includes assigning a policy to the named space.

15. (Previously Amended) A system providing a named collaborative space in a collaborative computing environment, the system comprising a computer having:

a database, the database storing:

a membership set for a templatable and provisionable named collaborative space serving as a basis for the establishment of provisioned instances of the templatable and provisionable named collaborative spaces, the membership set identifying one or more members; and

data corresponding to a provisioned instance of the templatable and provisionable named collaborative space defining a place within the collaborative computing environment; and

a central processing unit functioning to provide plurality of business process component instances accessible within the provisioned instance of the templatable and provisionable named collaborative space in a one-to-many relationship, the central processing unit in operative communication with the database.

16. (Original) The system of Claim 15, wherein the at least one business process is a business instance portlet.

17. (Original) The system of Claim 15, wherein the database further stores role data, members of membership set for the collaborative space being assigned a role based on corresponding role data, the role data defining access and permission privileges to the at least one business process.

18. Canceled.

19. (Previously Amended) The system of Claim 15, wherein the instance of the templatable and provisionable named collaborative space is provisionable from other provisioned instances of named collaborative spaces.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.